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Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

JOEL MUMEY,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 3:20-cv-00172-TMB
)	State Court Case No. 3HO-20-00083CI
STATE OF ALASKA, DEPT OF LAW)	
and JUSTIN S. HILARIO,)	DEFENDANT'S NOTICE OF
)	REMOVAL
Defendants.)	

Pursuant to 28 USC §§ 1441 and 1446, defendant Justin S. Hilario, through counsel, notifies the Court of the removal of the above-captioned case from the Superior Court for the State of Alaska, Third Judicial District at Homer, Case No. 3HO-20-00083 CI. Removal is based on the following:

Plaintiff Joel Mumey filed a lawsuit against Trooper Hilario and State of Alaska, Department of Law, alleging various state and federal law claims.

1. The action is one over which this court has original jurisdiction under the provisions of 28 U.S.C. Section 1331, and is one which may be removed to this court pursuant to the provisions of 28 U.S.C. Section 1441, in that it is a civil action arising under the Constitution, laws, or treaties of the United States.
2. Written notice of this filing will promptly be given to all adverse parties as required by 28 U.S.C. § 1446(d).

A Notice to State Court of Removal will be filed in the Superior Court for the State of Alaska, in the Third Judicial District at Homer, Case No. 3HO-20-00083 CI.

1. Plaintiff filed a civil action entitled *Joel Mumey v. State of Alaska, Department of Law and Justin H. Hilario*, Case No. 3HO-20-00083 CI, in Superior Court, for the State of Alaska, Third Judicial District. A copy of the Complaint is attached hereto as Exhibit A.

2. The federal district court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1331 because the complaint alleges violations of the United States Constitution and 42 U.S.C. § 1983. Federal question jurisdiction is available to entertain claims arising under the Constitution and laws of the United States. See 28 U.S.C. § 1331.

3. This notice of removal is timely under 28 U.S.C. § 1446(b). The Complaint filed in Alaska Superior Court, Case No. 3HO-20-00083 CI, and copies of the

summons were received by Trooper Hilario on June 30, 2020. Less than thirty (30) days has elapsed since the receipt of the Complaint and notice of the federal claims.

4. Written notice of the filing of this Notice of Removal will be filed simultaneously herewith with the Clerk of Trial Courts, Third Judicial District, State of Alaska, along with a copy of this Notice of Removal. Written notice of the filing of the notice for removal will also be served on Plaintiff.

5. The other defendant in this lawsuit, State of Alaska Department of Law, has not yet been served with the summons and complaint pursuant to Alaska Rule of Civil Procedure 4(d)(7)(8). The Attorney General's Office usually represents state agencies in similar lawsuits. An entry and answer will be filed if and when service of process is completed. A copy of Plaintiff's Civil Rule 4 Affidavit of Service is attached as Exhibit B.

Petitioner requests that the above-entitled action be removed from the Superior Court for the State of Alaska, Third Judicial District, to the United States District Court for the District of Alaska.

DATED: July 20, 2020.

KEVIN G. CLARKSON
ATTORNEY GENERAL

By: /s/Mark Cucci
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Mumey v. SOA, et al.
Defendant's Notice of Removal

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Attorney for Defendants

Certificate of Service

I certify that on July 20, 2020 the foregoing **Defendant's Notice of Removal** was served electronically on:

Jeffrey J. Barber
Barber and Associates, LLC
540 East Fifth Avenue
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jeffb@alaskainjury.com

/s/Mark Cucci

Mark Cucci, Assistant Attorney General